

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

**Office of the Clerk
700 STEWART ST. LOBBY LEVEL
SEATTLE, WA 98101
(206) 370-8400**

July 8, 2008

FILED

JUL 16 2008

**RICHARD W. WEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND**

Clerk, US District Court
Northern District of California
Internal Box 36060
San Francisco, CA 94102-3434

Re: Monleto Lamont Holly
Your Case No: **4-08-70360**
Our Case No: **MJ08-313**

Dear Clerk:

Pursuant to the order transferring the above captioned case to your court per RULE 5(c)(3)(D) , dated July 3, 2008, please download the documents maintained electronically by the District Court through PACER for the Western District of Washington at <https://ecf.wawd.uscourts.gov/>.

Please acknowledge receipt on the enclosed copy of this letter and return it in the provided business reply envelope.

Sincerely,

BRUCE RIFKIN, District Court Executive



Heather Arent-Zachary
Deputy Clerk

Document No.
36
District Court
Criminal Case Processing

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONLETO LAMONT HOLLY.

Defendant.

Case No. MJ 08-313

DETENTION ORDER

Offense charged:

Possession with intent to distribute cocaine base in the form of "crack."

Date of Detention Hearing: July 3, 2008

The Court, having conducted a detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which the defendant can meet will reasonably assure the appearance of the defendant as required and the safety of any other person and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is charged by complaint filed in the Northern District of California, Case Number 4-08-70360. Defendant made no argument for release and stipulated to detention.

1 It is therefore ORDERED:


2 (1) Defendant shall be detained pending trial and committed to the custody of the
3 Attorney General for confinement in a correctional facility separate, to the extent practicable,
4 from persons awaiting or serving sentences, or being held in custody pending appeal;

5 (2) Defendant shall be afforded reasonable opportunity for private consultation with
6 counsel;

7 (3) On order of a court of the United States or on request of an attorney for the
8 Government, the person in charge of the correctional facility in which Defendant is confined shall
9 deliver the defendant to a United States Marshal for the purpose of an appearance in connection
10 with a court proceeding; and

11 (4) The clerk shall direct copies of this order to counsel for the United States, to counsel
12 for the defendant, to the United States Marshall, and to the United States Pretrial Services Officer.

13 DATED this 3rd day of July, 2008.

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15 
16 BRIAN A. TSUCHIDA
United States Magistrate Judge
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FILED
LODGED
ENTERED
RECEIVED
JUL 08 2008

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY

UNITED STATES DISTRICT COURT
for the WESTERN DISTRICT OF WASHINGTON
at Seattle

UNITED STATES OF AMERICA,
Plaintiff,

vs.

Monleto Holly,
Defendant,

Case No. MJ08-313

WAIVER OF RULE 5(c)(3)(D) HEARING
and ORDER OF TRANSFER

WAIVER OF RULE 5(c)(3)(D) HEARING

I, Monleto Holly, have appeared before a United States Magistrate Judge in the Western District of Washington, who has advised me of the provisions of Rule 20 and of my right to a further hearing pursuant to Rule 5(c)(3)(D) of the Federal Rules of Criminal Procedure. I wish to waive my right to such further hearing, therefore:

- a) I acknowledge that I am the person named in an indictment, information, or warrant pending in the U. S. District Court for the Northern District of California;
- b) I waive my right to production of the warrant or of any other original papers relating to these charges or certified copies thereof;



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- 1 c) If I am entitled to a preliminary examination, I elect to have it conducted in the
2 district where the prosecution is pending; and,
3 d) I consent to the issuance of an order directing me to appear and answer in said
4 district where the charges are pending.

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6 DATED this 3rd day of July, 2008.

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8 Lynn C. Hunsfeld

9 Defense Counsel

Manlio Holly

Defendant

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12 ORDER OF TRANSFER

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14 Based upon the foregoing Waiver, it is hereby ORDERED that the further proceedings in
15 this case shall be conducted in the U. S. District Court for the Northern District of
16 California. The Clerk of this Court shall forthwith transmit to the Clerk in said
17 district the records of proceedings conducted in this district. Unless the defendant is released on
18 bond, the U. S. Marshal is directed to transport defendant as promptly as possible to that district.
19 If released on bond, the defendant is directed to appear in that district for further proceedings at
20 the time and place specified on the bond, or as otherwise directed by court order.

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22 DATED this 3 day of July, 2008

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25 [Signature]

26 United States Magistrate Judge
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Magistrate Judge Tsuchida

FILED ENTERED
JUL 03 2008
JUL 03 2008

CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
DEPUTY
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

MONLETO LAMONT HOLLY,

Defendant.

NO. MJ08-313

MOTION FOR DETENTION
ORDER

The United States moves for pretrial detention of the defendant, pursuant to
18 U.S.C. § 3142(e) and (f)

1. Eligibility of Case. This case is eligible for a detention order because this
case involves (check all that apply):

- ☐ Crime of violence (18 U.S.C. § 3156)
- ☐ Crime of Terrorism (18 U.S.C. § 2332b(g)(5)(B)) with a maximum sentence
of ten years or more
- ☐ Crime with a maximum sentence of life imprisonment or death
- ☒ Drug offense with a maximum sentence of ten years or more
- ☐ Felony offense and defendant has two prior convictions in the four
categories above, or two State convictions that would otherwise fall within
these four categories if federal jurisdiction had existed.
- ☐ Felony offense involving a minor victim other than a crime of violence



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MOTION FOR DETENTION
ORDER/MONLETO HOLLY - 1
MJ08-313

UNITED STATES ATTORNEY
700 Stewart Street, Suite 3220
Seattle, Washington 98101-1271
(206) 553-7970

1 — Felony offense, other than a crime of violence, involving possession or use of
2 a firearm, destructive device (as those terms are defined in 18 U.S.C. § 921), or
any other dangerous weapon

3 — Felony offense other than a crime of violence that involves a failure to
4 register as a Sex Offender (18 U.S.C. § 2250)

5 X Serious risk the defendant will flee

6 — Serious risk of obstruction of justice, including intimidation of a
prospective witness or juror

7 2. Reason for Detention. The Court should detain defendant because there are
8 no conditions of release which will reasonably assure (check one or both):

9 X Defendant's appearance as required

10 X Safety of any other person and the community

11 3. Rebuttable Presumption. The United States will invoke the rebuttable
12 presumption against defendant under § 3142(e). The presumption applies because:

13 — Probable cause to believe defendant committed offense within five years of
14 release following conviction for a "qualifying offense" committed while on
pretrial release.

15 X Probable cause to believe defendant committed drug offense with a
16 maximum sentence of ten years or more

17 — Probable cause to believe defendant committed a violation of one of the
18 following offenses: 18 U.S.C. §§ 924(c), 956 (conspiracy to murder or
kidnap), 2332b (act of terrorism), 2332b(g)(5)(B) (crime of terrorism)

19 — Probable cause to believe defendant committed an offense involving a
20 victim under the age of 18 under 18 U.S.C. §§ 1591, 2241, 2242,
2244(a)(1), 2245, 2251, 2251A, 2252(a)(1) through 2252(a)(3),
2252A(a)(1) through 2252A(a)(4), 2260, 2421, 2422, 2423 or 2425.

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1 4. Time for Detention Hearing. The United States requests the Court conduct
2 the detention hearing:


3 X At the initial appearance

4 After continuance of days (not more than 3)

5 5. Other matters

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7 DATED this 3rd day of July, 2008.

8 Respectfully submitted,
9 JEFFREY C. SULLIVAN
10 United States Attorney

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12 BRIAN D. WERNER
13 Assistant United States Attorney
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United States District Court for
the Western District of
Washington

UNITED STATES OF AMERICA,

Plaintiff

vs.

MONLETO LAMONT HOLLY,

Defendant

MJ08-313

ORDER APPOINTING
FEDERAL PUBLIC
DEFENDER

On the basis of the above-named defendant's sworn financial statement, the court finds that he/she is financially unable to retain counsel and that the Federal Public Defender for the Western District of Washington be and is hereby appointed to represent the above-named defendant pursuant to Title 18 United States code 3006A.

Dated this 3rd day of July, 2008



United States Magistrate Judge

ORDER APPOINTING F.P.D.



08-MJ-00313-ORD

CLOSED

**U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CRIMINAL DOCKET FOR CASE #: 2:08-mj-00313-BAT-1**

Case title: USA v. Holly

Date Filed: 07/03/2008

Other court case number: 4-08-70360 Northern District of
California

Date Terminated: 07/03/2008

Assigned to: Hon. Brian A Tsuchida

Defendant (1)**Monleto Lamont Holly***TERMINATED: 07/03/2008*

represented by **Lynn C Hartfield**
FEDERAL PUBLIC DEFENDER'S
OFFICE (SEA)
1601 5TH AVE
STE 700 WESTLAKE CENTER
OFFICE TOWER
SEATTLE, WA 98101
206-553-1100
Email: Lynn_Hartfield@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level (Terminated)**

None

Complaints**Disposition**

21:841A=ND.F Possession with Intent

to Distribute Crack Cocaine

Plaintiff

USA

represented by **Brian D Werner**
 US ATTORNEY'S OFFICE
 (TACOMA)
 1201 PACIFIC AVE
 STE 700
 TACOMA, WA 98402
 253-428-3800
 Fax: 253-428-3826
 Email: brian.werner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/03/2008		Arrest of Monleto Lamont Holly on 7/3/2008. (HAZ) (Entered: 07/08/2008)
07/03/2008	<u>1</u>	CHARGING DOCUMENT RECEIVED FROM OTHER COURT as to Monleto Lamont Holly (Attachments: # <u>1</u> warrant)(HAZ) (Entered: 07/08/2008)
07/03/2008	<u>3</u>	ORDER APPOINTING FEDERAL PUBLIC DEFENDER appointing Lynn C Hartfield for Monleto Lamont Holly by Hon. Brian A Tsuchida. (HAZ) (Entered: 07/08/2008)
07/03/2008	<u>4</u>	MOTION for Detention by USA as to Monleto Lamont Holly (HAZ) (Entered: 07/08/2008)
07/03/2008	<u>5</u>	Minute Entry for proceedings held before Hon. Brian A Tsuchida- CRD: HAZ; AUSA: B WERNER; Def Cnsl: L HARTFIELD; PTS: C KNUDSEN; Time of Hearing: 2:30 PM; Courtroom: 12B; INITIAL APPEARANCE IN RULE 5(c) (3) PROCEEDINGS as to Monleto Lamont Holly held on 7/3/2008. CT reviews financial affidavit and appoints counsel. Defendant advised of rights and charges. Govt moves for detention. Defendant stipulates pending transfer. Defendant signs Rule 5 waiver. CT signs Order of Transfer. Defendant(s) remanded to custody. (HAZ) (Entered: 07/08/2008)
07/03/2008	<u>6</u>	WAIVER OF RULE 5 HEARINGS AND ORDER OF TRANSFER to Northern District of California as to Monleto Lamont Holly by Hon. Brian A Tsuchida. (cc: PTS, USMO) (HAZ) (Entered: 07/08/2008)
07/03/2008	<u>7</u>	DETENTION ORDER PENDING TRANSFER as to Monleto Lamont Holly by Hon. Brian A Tsuchida. (cc: PTS, USMO) (HAZ) (Entered: 07/08/2008)
07/08/2008	<u>8</u>	Letter from WD-WA regarding Rule 5 transfer sent as to defendant Monleto Lamont Holly (HAZ) (Entered: 07/08/2008)

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07/16/2008 13:09:29			
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